

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMMIE LEE HOPKINS,

No.08-30226-DRH

Defendant.

ORDER

HERNDON, Chief Judge:

Before the Court is Defendant Hopkins' motion to continue trial (Doc. 18). Defendant argues that he has just recently retained new counsel and his counsel has not had the opportunity to review the file and become knowledgeable about the issues involved in the case. The Government has no objections. To force a defendant to trial without adequate time to prepare would constitute a miscarriage of justice. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interest of the public and Defendant Hopkins in a speedy trial. Therefore, the Court **GRANTS** Defendant's motion to continue trial (Doc. 18) and **CONTINUES** the trial set for February 9, 2009 until **March 23, 2009 at 9:00 a.m.** The time from the date

Defendant Hopkins' motion was filed, February 3, 2009, until the date on which the trial is rescheduled, March 23, 2009, is excludable time for the purposes of a speedy trial.

Should either party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance.

IT IS SO ORDERED.

Signed this 4th day of February, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**